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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,250	01/23/2004	Minoru Hayashi	247933US3	4501

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EXAMINER

SIMONE, CATHERINE A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/762,250	Applicant(s) HAYASHI ET AL.	
	Examiner Catherine Simone	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 and 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 5-7 and 9-11 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/28/05.

Applicant's election with traverse of Group I, claims 1-4 and 8, in the reply filed on 10/28/05 is acknowledged. The traversal is on the ground(s) that "a search and examination of the entire application would not place a serious burden on the Examiner". This is not found persuasive because the inventions have acquired a separate status in the art as shown by their different classification, have acquired a separate status in the art because of their recognized divergent subject matter, and the search required for each Group of claims requires a different field of search therefore causing a serious burden on the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al. (JP 2000-343557; refer to the computer translation copy).

Watanabe et al. discloses a sheet-shaped molded laminate including at least one of a concave portion and a convex portion, comprising a laminated skin member including a sheet-shaped lamination structure and a decorative face (drawing 1, element 2), and a resin base material (drawing 1, element 1) integrally injection molded on a face of the laminated skin member placed on an opposite side to the decorative face of the laminated skin member (drawing 1, element 2b), the laminated skin member including a sheet-shaped foamed layer (drawing 1, element 2a) with a density equal to or greater than 0.04 g/cm^3 (see paragraph 0008, lines 1-3), a sheet-shaped decorative skin member (drawing 1, element 2b) bonded to one face of the foamed layer and including the decorative face, and a sheet-shaped backing layer (drawing 1, element 2c) bonded to the other face of the foamed layer, wherein before the laminated skin member and the resin base material are integrally molded, an elastic modulus of the laminated skin member in a warping deformation preventive direction of the molded laminate is inherently equal to or smaller than $196\text{N}/25\text{mm}$ (width of a test piece of the laminated skin member 25mm) with the laminated skin member being stretched by 33%. Due to the fact that the laminated skin member (drawing 1, element 2) in Watanabe et al. includes layers (drawing 1, elements 2a-2c) made up of materials similar to those disclosed in the present application and to the fact that the laminated skin member in Watanabe et al. has an elongation modulus in the range of $4\text{-}30\text{N}/50\text{mm}$ (see paragraph 0008, lines 6-7), the elastic modulus of the laminated skin member in Watanabe et al. in a warping deformation preventive direction of the molded laminate inherently is equal to or smaller than $196\text{N}/25\text{mm}$ (width of a test piece of the laminated skin member 25mm) with the laminated skin member being stretched by 33%.

Regarding claim 2, the laminated skin member inherently has an anisotropy in the elastic modulus thereof before the laminated skin member and the resin base material are integrally molded, since the laminated skin member of Watanabe et al. includes layers made up of similar materials to

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those of the layers disclosed in the present application, and the elastic modulus of the laminated skin member in Watanabe et al. in the warping deformation preventive direction of the molded laminate is inherently set lower than an elastic modulus of the laminated skin member in a crossing direction to the warping deformation preventive direction, since Watanabe et al. teaches the laminated skin member having an elastic modulus in the range of 4-30N/50 mm (see paragraph 0008, lines 6-7) and the laminated skin member in Watanabe et al. includes similar materials to those disclosed in the present application. Regarding claims 3 and 8, the density of the backing layer is inherently set equal to or greater than 100 g/m² and is inherently between 100 g/m² and 160 g/m², since the backing layer in Watanabe et al. includes a non-woven fabric (see paragraph 0008, line 5) which is similar to that of the backing layer disclosed in the present application. Regarding claim 4, the molded laminate is used for an interior equipment (see paragraph 0006, line 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (JP 2000-343557; refer to the computer translation copy).

Watanabe et al. discloses a sheet-shaped molded laminate including at least one of a concave portion and a convex portion, comprising a laminated skin member including a sheet-shaped lamination structure and a decorative face (drawing 1, element 2), and a resin base material (drawing 1, element 1) integrally injection molded on a face of the laminated skin member placed on an

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opposite side to the decorative face of the laminated skin member (drawing 1, element 2b), the laminated skin member including a sheet-shaped foamed layer (drawing 1, element 2a) with a density equal to or greater than 0.04 g/cm^3 (see paragraph 0008, lines 1-3), a sheet-shaped decorative skin member (drawing 1, element 2b) bonded to one face of the foamed layer and including the decorative face, and a sheet-shaped backing layer (drawing 1, element 2c) bonded to the other face of the foamed layer. Although Watanabe et al. teaches the laminated skin member 2 having an elongation property (modulus) in the range of 4-30N/50mm (see paragraph 0008, lines 6-7) and the layers of the laminated skin member including materials similar to those of the laminated skin member disclosed in the present application (see paragraph 0005, lines 4-7), Watanabe does not disclose an elastic modulus of the laminated skin member in a warping deformation preventive direction of the molded laminate being equal to or smaller than 196N/25mm (width of a test piece of the laminated skin member 25mm) with the laminated skin member being stretched by 33%, before the laminated skin member and the resin base material are integrally molded. However, the optimum range for the elastic modulus of the laminated skin member in a warping deformation preventive direction of the molded laminate would be readily determined through routine experimentation by one having ordinary skill in the art depending on the desired end results. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the laminated skin member in Watanabe et al. to have an elastic modulus in a warping deformation preventive direction of the molded laminate equal to or smaller than 196N/25mm with the laminated skin member being stretched by 33%, before the laminated skin member and the resin base material are integrally molded, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art in absence of showing unexpected results. *MPEP 2144.05 (II)*.

Regarding claim 2, Watanabe et al. further does not disclose the elastic modulus of the laminated skin member in the warping deformation preventive direction of the molded laminate being set lower than an elastic modulus of the laminated skin member in a crossing direction to the warping deformation preventive direction. However, the optimum range for the elastic modulus of the laminated skin member in a warping deformation preventive direction of the molded laminate would be readily determined through routine experimentation by one having ordinary skill in the art depending on the desired end results. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the laminated skin member in Watanabe et al. to have the elastic modulus of the laminated skin member in the warping deformation preventive direction of the molded laminate set lower than an elastic modulus of the laminated skin member in a crossing direction to the warping deformation preventive direction, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art in absence of showing unexpected results. *MPEP 2144.05 (II)*.


Regarding claims 3 and 8, the density of the backing layer is inherently set equal to or greater than 100 g/m^2 and is inherently between 100 g/m^2 and 160 g/m^2 , since the backing layer in Watanabe et al. includes a non-woven fabric (see paragraph 0008, line 5) which is similar to that of the backing layer disclosed in the present application. Regarding claim 4, the molded laminate is used for an interior equipment (see paragraph 0006, line 3).


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Catherine A. Simone
Examiner
Art Unit 1772
November 11, 2005


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

11/14/05